

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

1:23-CR-10032-CBK

Plaintiff,

vs.

NATHANIEL B. GRIFFIN,

REPORT AND RECOMMENDATION  
FOR DISPOSITION OF MOTION TO  
SUPPRESS

Defendant.

Nathaniel Griffin seeks to suppress statements he made to Special Agent Liam Hinkes based on Griffin's invocation of his right to counsel under *Miranda*.<sup>1</sup> He also seeks to suppress the statements on voluntariness grounds.<sup>2</sup> Because Griffin's suppression motion is a dispositive one, the Court is only authorized to determine the same on a report and recommendation basis.<sup>3</sup> Based on the findings, authorities, and legal discussion made on the record at the January 2, 2024 hearing, the Court

RECOMMENDS that the motion to suppress be denied in all respects.

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<sup>1</sup> Docket No. 16 at 2.

<sup>2</sup> *Id.* at 3.

<sup>3</sup> See 28 U.S.C. § 636(b)(1).

**NOTICE**

The parties have 14 calendar days after service of this report and recommendation to object to the same.<sup>4</sup> Unless an extension of time for cause is later obtained,<sup>5</sup> failure to file timely objections will result in the waiver of the right to appeal questions of fact.<sup>6</sup> Objections must "identify[] those issues on which further review is desired[.]"<sup>7</sup>

DATED this 2nd day of January, 2024.

**BY THE COURT:**



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**MARK A. MORENO**  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>4</sup> See *id.*; Fed. R. Crim. P. 59(b).

<sup>5</sup> See *Thompson v. Nix*, 897 F.2d 356, 357 (8th Cir. 1990); *Nash v. Black*, 781 F.2d 665, 667 & n.3 (8th Cir. 1986) (citing *Thomas v. Arn*, 474 U.S. 140, 155 (1985)).

<sup>6</sup> See *Thompson*, 897 F.2d at 357; *Nash*, 781 at 667.

<sup>7</sup> *Arn*, 474 U.S. at 155.